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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **Civil Misc. No. 1915-16 of 2005** and
R.S.A. No. 741 of 2005 (O&M)

Date of decision: 23.8.2007

Mahant Vishal Mani Dass and others

...Appellants

Versus

General Public and others **...Respondents**

2. **Civil Misc. No. 1911-12 of 2005** and
R.S.A. No. 740 of 2005 (O&M)

Jeet Mani Dass and others **...Appellants**

Versus

Thakur Dwara Nabh Kamal Mandir and another

...Respondents

3. **Civil Misc. No. 11325 of 2005** and
R.S.A. No. 4216 of 2005 (O&M)

Jat Sabha, Kurukshetra **...Appellant**

Versus

Thakur Dwara Nabh Kamal Mandir and another

...Respondents

4. **Civil Misc. No. 4111 of 2006** and
R.S.A. No. 1629 of 2006 (O&M)

Thakur Dwara Nabh Kamal Mandir and others

...Appellanst

Versus

Vishal Mani Dass and others **...Respondents**

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5. **Civil Misc. No. 4113 of 2006** and
R.S.A. No. 1630 of 2006 (O&M)

Ram Dass **...Appellant**

Versus

Vishal Mani Dass and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

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Present: Mr. Sanjay Verma, Advocate for the appellants
in R.S.A. Nos. 740 & 741 of 2005.

Mr. B.R. Mahajan, Advocate for the appellant
in R.S.A. No. 4216 of 2005.

Mr.Jagdish Manchanda, Advocate for the appellants
in R.S.A. Nos. 1629 & 1630 of 2006.

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RAJESH BINDAL, J.

This is a bunch of five appeals, arising out of a common judgment passed by the Additional District Judge, Kurukshetra in a suit involving the property of a Dera.

The dispute was regarding the succession of the property and also a lease deed executed by one of the Chelas claiming himself to be the successor of the property of the Dera after the death of Mahant on the basis of Will, which claim was later on found to be not legally tenable. However, it was found that Vishal Mani Dass was the established Chela of the deceased Mahant on the basis of Pagri ceremony. It has also come on record, as found by both the Courts below, that rival parties, who claimed inheritance to the Gaddi were also present when the present appellant Vishal Mani Dass was installed as the successor by performing the Pagri ceremony and no objection was raised by them at that time. The claim put up by the other Chelas was found to be meritless. As far as the lease deed in favour of Jat Sabha, Kurukshetra is concerned, it came on record that for that purpose a sum of Rs. 5 lacs was paid by the Jat Sabha to Vishal Mani Dass or Jeet

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Mani Dass for execution of the lease deed. The lease deed infact did not find mention about the payment, which was partly made by way of bank draft and partly in cash. Even the language of the lease deed which though purported to be temporary in nature sound like a perpetual lease as on the expiry of the first 20 years of lease, the lessee had absolute right to get it extended for further 20 years with no discretion left with the lessor. Even thereafter the lessor could take the possession back from the lessee only after the payment of market price of the structure/building existing thereon. Under the circumstances, it was found that infact it was nothing else but a transfer of property by the Mahants without any authority of law.

As far as dispute regarding the succession of Mahant Jeet Mani nothing on record could be pointed out by the counsel appearing on behalf of the appellants, which could enable this Court to take a view contrary to what is already taken by the Courts below. The Pagri ceremony of Vishal Mani Dass was held in the presence of number of respectables including the contesting parties and no objection whatsoever was raised at that time. Further nothing was produced by the appellant in evidence, which could dislodge the claim of Vishal Mani Dass to succession of the Dera. Accordingly, I do not find any merit in this contention of the appellants.

As far as appeal filed by Jat Sabha, Kurukshetra is concerned, factual background of the case as referred to above briefly and and discussed in much detail by the Courts below, it is evident that same was a fraudulent act by the Jat Sabha in connivance with Visham Mani Dass and Jeet Mani whereby perpetual kind of lease was executed in favour of Jat Sabha which amounted to alienation of the property, which was not permissible. Under the circumstances, in my opinion, learned Courts below have rightly set aside the lease deed in favour of the Jat Sabha. It is one of the glaring example where the public properties owned by deities are usurped by the managers of the properties.

Coming to the appeal filed by Vishal Mani Dass, learned counsel for the appellants submits that he is aggrieved by the direction given by the Additional District Judge that the appellants can manage the affairs of the deity in a proper and legal manner without

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transferring/alienating the property of the deity in any manner by way of gift, lease, sale mortgage or otherwise. He is not permitted to create third party charge about the properties of the deity and in case of his failure to do so, he shall be deemed to have been removed from Mahantship.

These directions were necessitated keeping in view the past conduct of the appellants when they had leased out certain properties of the deity on the false pretext of requirement of fund to manage the other property of the temple of the deity.

In my opinion, the direction given by the Additional District Judge, to safeguard the misappropriation of the property of the deity, is not unreasonable.

Accordingly, the appeals are dismissed. Once the appeals are dismissed, I do not deem it appropriate to deal with the applications filed along with the appeals.

Let a copy of this order be sent to the Deputy Commissioner, Kurukshetra to enable him to take appropriate steps in case of need.

August 23, 2007 **(Rajesh Bindal)**
Pka **Judge**